

Bill No. 29-01
Concerning: Real Property - Disclosure -
Historic Sites
Revised: 7-19-01 Draft No. 1
Introduced: July 31, 2001
Enacted: November 6, 2001
Executive: November 19, 2001
Effective: April 1, 2002
Sunset Date: None
Ch. 24, Laws of Mont. Co. 2001

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Praisner, Ewing, Berlage, Leggett, Dacek, and Subin

AN ACT to:

- (1) require certain disclosures to buyers of real property located in a historic district, designated as a historic site, or listed on a locational atlas of historic sites;
- (2) require buyers of certain real property to indicate whether they received certain information about historic preservation requirements; and
- (3) generally amend the law governing disclosure of information in real estate transactions.

By adding

Montgomery County Code
Chapter 40, Real Property
Section 40-12A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Chapter 40 is amended by adding Section 40-12A:

40-12A. Disclosure of Historic Designation.

(a) If any real property:

(1) has been designated as a historic site in the master plan for historic preservation;

(2) is located in an area designated as a historic district in that plan; or

(3) is listed as a historic resource on the County locational atlas of historic sites,

the seller must disclose that fact to each prospective buyer before the buyer signs a contract for the sale of the property.

(b) A prospective buyer must indicate, by signing an addendum to the contract or a separate section of the contract printed in boldface type in a clearly demarcated box, that:

(1) the seller has provided the information required by subsection (a); and

(2) the buyer understands that special restrictions on land uses and physical changes may apply to this property, and the buyer may obtain more information about these restrictions from the staff of the County Historic Preservation Commission.

(c) The County historic preservation staff must inform the public, by posting on a web site or another equally effective means, that the boundaries of any historic district have changed within 5 days after the change takes effect. The failure to post this notice does not invalidate any boundary change or other action.

Sec. 2. Effective Date. Section 40-12A, added by this Act, takes effect on April 1, 2002, and applies to any contract for the sale of real property signed on or

28 after that date.

29 *Approved:*

30 /S/ November 8, 2001

31 Blair G. Ewing, President, County Council Date

32 *Approved:*

33 /S/ November 19, 2001

34 Douglas M. Duncan, County Executive Date

35 *This is a correct copy of Council action.*

36 /S/ November 20, 2001

37 Mary A. Edgar, CMC, Clerk of the Council Date